

WALHALLA NATIONAL FISH HATCHERY CONVEYANCE ACT

JULY 24, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3546]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3546) to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Walhalla National Fish Hatchery Conveyance Act”.

SEC. 2. CONVEYANCE OF WALHALLA NATIONAL FISH HATCHERY TO THE STATE OF SOUTH CAROLINA.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of South Carolina without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b), for use by the South Carolina Department of Natural Resources as part of the State of South Carolina fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Walhalla National Fish Hatchery, located on Indian Camp Creek and the East Fork of Chattooga River off of State Secondary Highway 325 in northern Oconee County, South Carolina, consisting of 76.2 acres (more or less), all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment, and all easements, leases, and water rights relating to that property.

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of South Carolina under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property con-

veyed under this section shall revert to the United States. The State of South Carolina shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

PURPOSE OF THE BILL

The purpose of H.R. 3546 is to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina.

BACKGROUND AND NEED FOR LEGISLATION

The Walhalla National Fish Hatchery (NFH) is located in the Blue Ridge Mountains in the northwest corner of the State of South Carolina. It is in the Sumter National Forest of Oconee County and is 23 miles from the Town of Walhalla.

The Hatchery property consists of approximately 78 acres. This land was originally purchased by Oconee County from the Whitewater River Lumber Company for \$1,040. It was donated by Oconee County to the Federal Government for the specific purpose of building a fish cultural station.

In 1930, Congress officially established the site, under the legislative authority of the White Act, as a National Fish Hatchery. The Hatchery was initially known as the Indian Camp Fish Culture Station and then as the Chattooga Fish Hatchery. The first fish stocking took place in 1937.

In the early years, the Hatchery produced fish that were used mainly for stocking in the forest streams of South Carolina. This was later expanded to include streams in Georgia, North Carolina and Tennessee. For most of its history, Walhalla has raised brook, brown and rainbow trout. It also provided trout eggs to numerous Federal and State hatcheries across the country. Brook trout production ceased in 1986.

In recent years, the Hatchery produced fish primarily for Federal waters within Georgia and South Carolina. In fact, 681,300 rainbow trout and 406,600 brown trout were distributed in 1995. When available, surplus fish were provided to the Cherokee Indian Tribal Hatchery in North Carolina.

According to data provided by the U.S. Fish and Wildlife Service, over 45,800 anglers fish for trout in South Carolina waters for a total of 66,700 days of effort annually. This activity produces an annual economic impact of \$12,664,000.

On January 23, 1996, operational control over the Walhalla NFH was transferred by a Memorandum of Understanding from the Federal Government to the State of South Carolina. This transfer was necessary because the U.S. Fish and Wildlife Service intended to close this facility because it is no longer essential to the Service's nationwide stocking program.

This facility is extremely important to the State of South Carolina because it is the only public source for brown trout, there is no reasonable alternative for stocking the State's waters, and without these fish, there is no viable sport fishing for trout. While privately produced trout are available, this option was explored and rejected because of a lack of supply control, cost fluctuations and the potential introduction of diseases.

The Hatchery, which was constructed in 1937 by the Civilian Construction Corps and the Works Progress Administration, consists of a coal house, feed storage building, garages and a workshop, the hatchery building, office building and storage, and three residences. Between 1955 and 1965, several major improvements were made to the Hatchery in order to modernize and increase production capabilities. For instance, the original 34 circular ponds were replaced by 20 so-called production raceways, a food preparation/cold storage facility was built, and a multi-purpose building with spaces for an office, a shop, and garage areas was constructed. While there has been no recent cost appraisal of the Hatchery facilities, the author of the bill has indicated that the land has been currently assessed at \$125,000.

The adjacent 26 acres, which were also donated to the Federal Government by Oconee County, are not affected by this transfer and they will remain under the jurisdiction of the U.S. Forest Service.

In its fiscal year 1996 budget submission, the Clinton Administration recommended that a number of Federal fish hatcheries, including Walhalla NFH, be transferred to willing States. This facility, therefore, qualifies for the three years of declining Federal transitional assistance.

COMMITTEE ACTION

H.R. 3546 was introduced on May 29, 1996, by Congressman Lindsey Graham (R-SC). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On June 13, 1996, the Subcommittee held a hearing on H.R. 3546. Testifying in support of the bill were Congressman Lindsey Graham and Mr. William Knapp, Chief, Division of Fish Hatcheries, U.S. Fish and Wildlife Service. In his testimony, Mr. Knapp said that "all parties will benefit from the conveyance of ownership of [the Walhalla NFH]."

On June 27, 1996, the Subcommittee on Fisheries, Wildlife and Oceans met to mark up H.R. 3546. At that time, Mr. Studds offered an amendment to clarify the reversionary language in section 2 of the bill. The amendment was adopted by voice vote. The bill, as amended, was then ordered reported favorably to the Full Committee on Resources by voice vote.

On July 17, 1996, the Committee on Resources met to consider H.R. 3546. There were no amendments and the Committee ordered the bill reported to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This bill may be cited as the "Walhalla National Fish Hatchery Conveyance Act".

Section 2. Conveyance of Walhalla National Fish Hatchery to the State of South Carolina

Section 2(a) directs the Secretary of the Interior to convey to the State of South Carolina, within 180 days and without reimbursement, all right, title, and interest of the United States in the Hatchery property for use by the South Carolina Department of Natural Resources.

Section 2(b) states that the fish hatchery is located in Oconee County, South Carolina, consists of 76.2 acres and includes buildings, structures, and equipment and all easements, leases, and water rights relating to that property.

Section 2(c) mandates that the property shall revert to the United States if the State of South Carolina decides to no longer use the property as part of the State's fish culture program and requires the State to ensure that the property is in substantially the same or better condition at the time of transfer.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3546 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3546. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3546 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3546.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the

Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3546 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3546, the Walhalla National Fish Hatchery Conveyance Act, as ordered reported by the House Committee on Resources on July 17, 1996.

H.R. 3546 would direct the Secretary of the Interior to convey to the state of South Carolina the Walhalla National Fish Hatchery, without reimbursement. Because this facility is already operated by the state, we expect that implementing H.R. 3546 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3546 contains no intergovernmental or private-sector mandates as defined in Public Law 104-4 and would impose no costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3546 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3546 would make no changes in existing law.

